



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

RESEARCH TRIANGLE PARK, NC 27711

NOV 13 2018

OFFICE OF  
AIR QUALITY PLANNING  
AND STANDARDS

Mr. Peter Zalzal  
Environmental Defense Fund  
2060 Broadway Suite 300  
Boulder, CO 80302

RE: Freedom of Information Act Request EPA-HQ-2017-003014

Dear Mr. Zalzal:

This is our final response to your Freedom of Information Act (FOIA) request of January 20, 2017 for certain records related to the Oil and Gas Information Collection Request, as described in your request. Enclosed are 417 pages responsive to your request.

Portions of the material you requested are being withheld pursuant to 5 U.S.C. § 552 (b)(5), because they contain (1) pre-decisional and deliberative discussions which would harm agency decision making if released and therefore fall under the Deliberative Process Privilege and (2) confidential communications between an agency attorney and client concerning legal advice and therefore fall under the Attorney-Client Privilege. Records containing geological and geophysical information concerning wells were redacted pursuant to 5 U.S.C. § 552 (b)(9). Documents which were redacted pursuant to 5 U.S.C. § 552 (b)(6) contain personal information which would be an unwarranted invasion of privacy if released.

Additionally, portions of the records responsive to your request were claimed confidential and may contain trade secrets or commercial financial information which is exempt from disclosure under 5 U.S.C. § 552 (b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), your request for this information is being denied because further inquiry by EPA is required before a final determination can be made. We will consult with the third parties in connection with their business confidentiality claims covering these records and the appropriate EPA legal office will issue a final confidentiality determination.

As noted above, the information withheld under Exemption 4 will be reviewed by the appropriate legal office, which will issue a final confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to:

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. (2310A)  
Washington, D.C. 20460

If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, Room 5315 WJC-N, Washington, DC 20460.

Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (202) 741-5770 or (877) 684-6448; facsimile (202) 741-5769; or by mail at:

Office of Government Information Services  
National Archives and Records Administration, Room 2510  
8610 Adelphi Road, College Park, MD 20740-6001

We appreciate your interest in the EPA and our mission to protect public health and the environment. Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R., Part 2.104.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alison Davis', with a large, sweeping flourish extending to the right.

Alison Davis  
Acting Director  
Policy Analysis and Communications Staff